

1 Allen Ruby, Esq. SB #47109  
2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
3 525 University Avenue, Suite 1100  
4 Palo Alto, California 94301  
5 Telephone: (650) 470-4500

6 Steven A. Ellenberg, Esq., SB # 151489  
7 Mark V. Boennighausen, Esq. SB# 142147  
8 LAW OFFICES OF STEVEN A. ELLENBERG  
9 4 N. Second Street, Suite 1240  
10 San Jose, California 95113  
11 Telephone: (408) 998-8500

12 Attorneys for Plaintiffs

13 GLYNN & FINLEY, LLP  
14 ADAM FRIEDENBERG, Bar No. 205778  
15 JONATHAN A. ELDREDGE, Bar No. 238559  
16 One Walnut Creek Center  
17 100 Pringle Avenue, Suite 500  
18 Walnut Creek, CA 94596  
19 Telephone: (925) 210-2800  
20 Facsimile: (925) 945-1975

21 Attorneys for Defendants  
22 BP P.L.C., BP Exploration and Oil, Inc.,  
23 BP Products North America, Inc., and  
24 BP Corporation North American, Inc.  
25 and ConocoPhillips Company

26 UNITED STATES DISTRICT COURT  
27 NORTHERN DISTRICT OF CALIFORNIA  
28 SAN JOSE DIVISION

29 Maria Barrous, an individual and as Trustee  
30 of the Barrous Living Trust, Demetrios  
31 Barrous, an individual, dba Jimmy's  
32 Restaurant

33 Plaintiffs,

34 v.

35 BP p.l.c., BP Exploration and Oil, Inc., BP  
36 Products North America, Inc., BP  
37 Corporation North America, Inc.,  
38 ConocoPhillips Company and DOES 1-20  
39 Defendants.

Case No. C 10-02944 LHK

**JOINT CASE MANAGEMENT  
STATEMENT; REQUEST TO CONTINUE  
HEARING TO MAY 11, 2011; ~~PROPOSED~~  
ORDER** as modified by the Court

**Date: February 23, 2011  
Time: 2:00 pm  
Courtroom: 4, 5th Floor**

Pursuant to Federal Rule of Civil Procedure 26(f) and Civil Local Rule 16-9, plaintiffs Maria Barrous and Demetrios Barrous (collectively "Plaintiffs") defendants BP p.l.c., BP Exploration and Oil, Inc., BP Products North America, Inc. and BP Corporation North America, Inc. (collectively "BP") and defendant ConocoPhillips Company ("ConocoPhillips") submit the following Joint Case Management Statement to the Court in preparation for the February 23, 2011 status conference. (BP and ConocoPhillips are referred to collectively herein as "Defendants.")

### **1. Status of Pleadings**

Since the initial Case Management Conference, Plaintiffs filed a First Amended Complaint ("FAC"). Defendants filed an Answer to the FAC on November 24, 2010.

### **2. Discovery**

Defendants have propounded document requests and interrogatories. Plaintiffs have responded to this discovery, producing roughly 9,000 pages of documents. Plaintiffs and defendants are meeting and conferring over certain document requests.

Defendants have propounded third-party document request discovery. Defendants recently served an additional round of third-party discovery.

Plaintiffs have propounded document requests and interrogatories to Defendants. Plaintiffs expect Defendants to produce documents in the near future.

After reviewing the documents produced, the parties expect to take limited deposition discovery in preparation for the mediation.

### **3. Mediation / ADR**

As explained in the parties January 2011 stipulation, Defendants and Plaintiffs counsel have been in contact with mediator Michael Sobel. The parties agreed to move the mediation completion date from the February 4, 2011 date set in the Court's October 12, Case Management Order to April 30, 2011 in order to allow the discovery described above to be completed. The Court granted this request on January 31, 2011.


4. Request to Continue Case Management Conference to May 11, 2011

At the present time, the parties do not anticipate the need to move any other dates set out in the Court's initial Case Management Order. The Court initially scheduled the February 23 case management conference in coordination with the February 4 mediation deadline. In light of the new mediation deadline (April 30), the parties suggest that this hearing be continued to May 11, 2011 or another day in May selected by the Court.

Law Offices of Steven A. Ellenberg

Glynn & Finley, LLP

By:

  
Mark V. Boennighauen

By

*AUTHORIZED TO FILE BY E-MAIL*

Adam Friedenberg

Counsel for Plaintiffs

Counsel for Defendants

Dated: February 14, 2011

Dated: February 14, 2011

**ORDER**

In light of the new mediation date, the Court continues the February 23, 2011 Case Management Conference to ~~May 11, 2011~~ May 18, 2011 at 2:00 PM.

Dated: February 17, 2011

  
U.S. District Court Judge